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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,458	09/30/2003	Jeyhan Karaoguz	14762US02	5610
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EXAMINER LANGHNOA, KUNAL N				
ART UNIT 2427		PAPER NUMBER		
NOTIFICATION DATE 12/30/2011		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mhmpto@mcandrews-ip.com

Office Action Summary**Application No.**

10/675,458

Applicant(s)

KARAOGUZ ET AL.

Examiner

KUNAL LANGHNOJA

Art Unit

2427

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-38 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-38 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/303)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 09/30/2011 have been fully considered but they are not persuasive.

With respect to claims 1, 11, 21 and 32, applicant argues cited references fail to teach claimed limitation "wherein said determining is performed without communicating said personal media or said at least one constructed display of the personal media outside of said first geographic location." The examiner respectfully disagrees.

Novak et al teaches upload source creates the web site before uploading media objects to it. The upload source can own the server that stores the web site, or the web site, or server may be hosted by third parties. The upload source can control type, sequence, length, schedule of play, etc. of the media objects to be streamed from the server (Para. 0040). In addition, the reference teaches individual can utilize interface 702 to schedule media objects. Local studios, cable providers, other party know of or has information related to the media objects stored by the upload source in the server via the interface 702. This allows this parties to provide hypertext links, EPG information, subscription services, or other data to inform end user of the availability of the media objects for viewing (Figure 7; Para. 0067-68) reads on claimed limitation "said determining is performed without communicating said personal media or said at least one constructed display of the personal media outside of said first geographic location."

In addition, Ellis et al teaches contributor is able to utilize screen 196 to input information with respect to personal channel. The information is sent and/or saved to

database 52. Operator utilizes said information from database and provides schedules and programming information (Figures 14 and 17-20; Col.11 lines 45-52, Col.12 lines 25-37 and Col.14 lines 24-33).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-10, 11-20, 21-31 and 32-38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
4. Claims 1, 11, 21 and 32 include limitation "said determining is performed without communicating said personal media or said at least one constructed display of the personal media outside of said first geographic location." Applicant states figure 2 and Para. 0052 provides support for above limitation. However, there is no support for this limitation.
5. Claims 2-10, 12-20, 22-31 and 33-38 lack support as depending on claims 1, 11, 21 and 32.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak (US Patent Application Publication 2002/0104099 A1) in view of Ellis et al. (US Patent No. 6,774,926 B1).

Regarding claim 1, Novak et al teaches a method for processing media for selection and playback in a communication network, the method comprising:

determining at a second geographic location (i.e. determination of scheduled broadcast media using an EPG 153, which is constructed/produced by a local studio 106 and/or cable service provider 108) (Figure 1, Para. 0038-39, 0041), wherein said scheduling is performed at said first geographic location (i.e. personal media can be scheduled by an individual acting as a program director, upload source)(Figures 1, 6 and 7; Para. 0067-68), and wherein said determining is performed without communicating said personal media or said at least one constructed display of the personal media outside of said first geographic location (Para. 0038-41 and 0067-68);

acquiring at said second geographic location, information related to broadcast media from at least one media provider and information related to said personal media, wherein said information related to said broadcast media is associated with a media subscription established at said first geographic location (i.e. acquisition of synthetic

broadcast channel including information with respect to personal media from an upload source, wherein synthetic broadcast channel can be provided to end user(s) via subscription) (Figures 1, 6-7; Para. 0010, 0039, 0058, 0067-68 and 0070); and

updating from said second geographic location, said at least one constructed display, based on said acquired information (i.e. local studio 106 and/or provider 108 updating EPG based on information received) (Figures 1 and 2; Para. 0010, 0041 and 0079). However, the reference is unclear with respect to when personal media is scheduled in at least one constructed display for presentation at a first geographic location.

In similar field of endeavor, Ellis et al teaches a personal television channel system in which contributors such as individuals in the home may create personal television channel programming and may set up scheduling for the personal television channel programming- whereby the contributor and the viewers may use the same user equipment thus enabling a contributor to receive scheduling information of personal and/or traditional television channels (Abstract; Fig. 1; col. 1, lines 46-51; col.2, line 65 to col.3, line 6; col.3, lines 18-28; col.4, lines 59-61; col.5, lines 15-22; col. 11, lines 45-51; col. 14, lines 23-32).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teaching of the Novak reference with those of the Ellis et al. reference in order to allow a contributor to receive the personal channel listing that they have contributed. A person of ordinary skill in the art would have been motivated to make such a modification to the Novak reference so as to provide an overall more

enjoyable viewing experience by permitting a contributing party to view personal media programming that they are most likely to be interested in.

Regarding claim 2, Novak and Ellis, the combination teaches everything claimed (see claim 1). The combination teaches transferring to said first geographic location said updated at least one constructed display for presentation at said first geographic location (Ellis: Abstract; Fig. 1; col. 1, lines 46-51; col.2, line 65 to col.3, line 6; col.3, lines 18-28; col.4, lines 59-61; col.5, lines 15-22; col. 11, lines 45-51; col. 14, lines 23-32).

Claim 3 is rejected wherein accessing subscription information related to said broadcast media scheduled in said at least one constructed display (i.e. the acquisition of subscription information by a cable service provider's 108, in order to selectively send an updated EPG 153 containing a synthetic broadcast channel (Figs.1, 7, and 11; paragraphs [0010], [0075] & [0080]).

Claim 4 is rejected wherein storing broadcast media content corresponding to said broadcast media and said accessed subscription information (i.e. the storage to a server of uploaded media objects to be provided to a client terminal (Figs.1, 2, 4, & 5; paragraphs [0010], [0039], [0043], [0055], [0056], [0061]).

Claim 5 is rejected wherein communicating said stored broadcast media content to said first geographic location where said updated at least one constructed display is presented (i.e. the transmittal of stored uploaded media objects to a client terminal via a synthetic broadcast channel from local studio 106 and/or provider 108, which is included in an updated EPG 153 (*Fig.1,2,4,& 11; paragraphs [0010], [0060], [0069], [0085], [0087]*)).

Claim 6 is rejected wherein combining, at said second geographic location, representations of updated broadcast media and/or said personal media in said at least one constructed display based on said acquired information (Figs. 8 & 9; paragraphs [0026], & [0070]-[0074]).

Claim 7 is rejected wherein generating at least one updated constructed display comprising at least representations of said updated broadcast media and/or said personal media (i.e. production/generation of an updated EPG by a local studio 106 and/or a cable service provider 108) (*Figs. 1 & 7; paragraphs [0037], [0041], [0068]*).

Claim 8 is rejected wherein rescheduling presentation of one or both of said broadcast media and/or said personal media via said updated at least one constructed display to prevent scheduling conflicts (i.e. re-sequencing of media objects, to be presented on an electronic program guide, if an individual at an upload source 122 schedules one or more media objects for the same time slot (paragraph [0065]).

Claim 9 is rejected wherein said at least one constructed display is one or more of a channel guide, device guide and/or a media guide (i.e. EPG 153) (paragraphs [0010], [0026], [0037], [0083], [0087]).

Claim 10 is rejected wherein formatting said at least one constructed display in a graphical user interface (Para. 0037-38 and 0054).

Claims 11, 21, 31 & 32 are met as previously discussed with respect to Claim 1. In addition, the combination teaches a non-transitory machine-readable storage having stored thereon, a computer program having at least one code section for processing

media for selection and playback in a communication network, the at least one code section being executable by a machine (Figures 1-2; Para. 0023-24 and 0032).

Claims 12, 22, & 33 are met as previously discussed with respect to Claim 2.
Claims 13, 23, & 34 are met as previously discussed with respect to Claim 3.
Claims 14, 24, & 35 are met as previously discussed with respect to Claim 4.
Claims 15, 25, & 36 are met as previously discussed with respect to Claim 5.
Claims 16 & 26 are met as previously discussed with respect to Claim 6.
Claims 17 & 27 are met as previously discussed with respect to Claim 7.
Claims 18 & 28 are met as previously discussed with respect to Claim 8.
Claims 19, 29, & 37 are met as previously discussed with respect to Claim 9.
Claims 20, 30, & 38 are met as previously discussed with respect to Claim 10.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KUNAL LANGHNOJA whose telephone number is

(571)270-3583. The examiner can normally be reached on M-F 10:00 A.M.- 6:30 P.M. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on 571-272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KL

/Jason Salce/

Primary Examiner, Art Unit 2421